IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1089 OF 2006

Ahmed Razzak Shaikh. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Balkrishna Joshi for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 19, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 14th September, 2005, on a complaint which was registered with Bhosari Police Station for the offence punishable under Section 394 read with Section 34 of the IPC.

2. It is alleged that the applicant and other co-accused assaulted the complainant and forcibly removed an amount of Rs.2000/- which he had withdrawn from the company.

3. Learned Counsel for the applicant submits that the chargesheet has been filed. It is submitted that when the applicant was arrested, there was injuries on his person and no explanation has been offered by the prosecution in the chargesheet regarding the injuries on his person. He submitted that the applicant is a permanent resident of Bhosari and he is not likely to abscond.

4. Learned APP has submitted that there is one case pending against the applicant and he is likely to tamper with the evidence and threaten the wittiness.

5. In my view, since the chargesheet has been filed, the continued detention of the applicant in prison is not necessary particularly when the applicant is a permanent resident of Bhosari.

6. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to Bhosari Police Station once in a month.

7. The applicant shall not tamper with the evidence or threaten the wittiness. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

8. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)